



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: ) Before the Examiner:  
Charles L. Branch et al. ) Pedro Philogene  
 )  
Application of Serial No. 10/698,702 ) Group Art Unit 3733  
 )  
Filed October 31, 2003 ) Ref. No. MSDI-186/  
 ) PC365.07  
INTERBODY FUSION GRAFTS )  
AND INSTRUMENTATION ) January 28, 2009

### RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated December 15, 2008 and the Advisory Action dated January 21, 2009, please consider the following amendments and remarks. Additionally, please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:
January 28, 2009
_____ Date of Deposit
Brad A. Schepers
_____ Name of Registered Representative
 _____ Signature
January 28, 2009
_____ Date of Signature

### **INTRODUCTORY COMMENTS**

Claims 217-276 were pending in the subject application for the final Office Action dated December 15, 2008 and the Advisory Action dated January 21, 2009. Each of the pending claims currently stands rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.